

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

HILAIRE GRATTIER,

Plaintiff,

v.

Case No. 8:20-cv-3013-CEH-AAS

BRITISH AIRWAYS, PLC,

Defendant.

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ORDER

British Airways, PLC (British Airways) moves for an order compelling Hilaire Grattier to provide an amended answer to interrogatory no. 21 and for sanctions. (Doc. 29). Mr. Grattier did not respond to British Airways' motion and the time has expired. *See* Local Rule 3.01(c), M.D. Fla.¹

British Airways served Mr. Grattier with interrogatories, and Mr. Grattier responded. (Doc. 29, Exs. A, C). British Airways' interrogatory no. 21 states: "Identify each of your employers and state the reason for separation from each employer from May 5, 2014 through the present." (Doc. 29, Ex. C). Mr. Grattier responded: "Plaintiff has been employed at Walmart since

¹ Because Mr. Grattier failed to timely respond to British Airways' motion, the court may treat it as unopposed. *See* Local Rule 3.01(c), M.D. Fla. ("If a party fails to timely respond [to a motion], the motion is subject to treatment as unopposed.").

October 2016. Before that Plaintiff was a restaurant worker at Salem's Fresh Eats formerly known as Salem's Gyros and Subs, 5635 14th Street West, Bradenton, Florida since 2011." (*Id.*).

British Airways subsequently deposed Mr. Grattier and he revealed undisclosed employment responsive to interrogatory no. 21. (Doc. 29, Ex. D, pp. 108:15-20). British Airways repeatedly requested that Mr. Grattier amend his response to interrogatory no. 21 and include this additional employment. (*See* Doc. 29, Exs. E, F). Mr. Grattier's counsel stated he was "working on that with the client" to obtain the information. (*See* Doc. 29, Ex. G).

To date, Mr. Grattier has not amended his response to interrogatory no. 21. (Doc. 29, p. 3). British Airways now requests that the court compel Mr. Grattier to provide a complete amended response to interrogatory no. 21 and for reimbursement of its expenses, including attorney's fees, incurred in relation to this motion. (Doc. 29, p. 5).

Federal Rule of Civil Procedure 26 provides that a "party who has responded to an interrogatory . . . must supplement or correct its disclosure or response . . . in a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect." Fed. R. Civ. P. 26(e)(1). An evasive or incomplete answer must be treated as a failure to answer. Fed. R. Civ. P. 37(a)(4).

Failing to appropriately supplement discovery responses subjects a party to potential sanctions. *See Scipione v. Advance Stores Company, Inc.*, 294 F.R.D. 659, 664 (M.D. Fla. 2013). Those sanctions include requiring the party “whose conduct necessitated the motion . . . to pay the movant’s reasonable expenses incurred in making the motion, including attorney’s fees.” *Inland Assets, LLC v. The Bank of New York Mellon*, No. 21-443, 2021 WL 2828263 at *2 (M.D. Fla. May 10, 2021); *see also* Fed. R. Civ. P. 37(a)((5)(A) (“If the motion is granted--or if the disclosure or requested discovery is provided after the motion was filed--the court must, . . . , require the party . . . to pay the movant’s reasonable expenses incurred in making the motion, including attorney’s fees.”).

British Airways’ motion for an order compelling Mr. Grattier to provide an amended answer to interrogatory no. 21 and for sanctions (Doc. 29) is **GRANTED**. Mr. Grattier must provide British Airways with a complete amended response to interrogatory no. 21 by **August 11, 2021**.² Counsel must confer and attempt to agree on the reasonable amount of attorney’s fees and costs incurred in relation to this motion. If counsel cannot agree, British Airways may move for the amount sought, with supporting documentation.

² The discovery deadline is August 6, 2021. (*See* Doc. 20). The deadline is extended solely for Mr. Grattier to provide this amended response. All other deadlines remain in effect.

ORDERED in Tampa, Florida on August 4, 2021.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge